

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action.

The Official action objects to the drawings for failure to identify the sole drawing as Figure 1. Applicant has amended the drawing as necessary to include the appropriate designation. The addition of "FIG. 1" is the only change made to the drawing in this application.

The Official Action notes that the application does not include an Abstract of the Disclosure as required by 37 CFR §1.72(b). Applicant includes the required abstract herewith.

The Official Action rejects claims 1-6 under 35 USC §112, second paragraph, as being indefinite. Applicant has amended claim 1 as necessary to address the language underlying this rejection. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

The Official Action rejects claims 1-3, 5 and 6 under 35 USC §102(b) as being anticipated by CLAESSENS. Please note that applicant has amended independent claim 1 to include the features of claim 4, which claim is not subject to the present rejection. As such feature added to independent claim 1 is implicitly recited in each of the remaining rejected claims, reconsideration and withdrawal of this rejection are respectfully requested.

AMENDMENTS TO THE DRAWINGS:

The sole drawing figure in this application has been labeled "FIG. 1".

The Official Action rejects claim 4 under 35 USC §103(a) as being unpatentable over CLAESSENS in view of CARLES. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

As discussed above in connection with the previous rejection, applicant has amended independent claim 1 to incorporate the features of claim 4, such amendment necessitating the cancellation of original claim 4. The weighting function of original claim 4 applies to sets of data necessarily arrived at through measurement. It is therefore such measurements that are multiplied by the recited predetermined weighting factor. It is this weighting factor for which the secondary CARLES reference is offered.

However, in the CARLES reference, it is data related to customer households that is treated in the weighting step. As taught by CARLES, certain data of a household may be weighted differently so as to determine whether that particular household will be presented with a specific advertisement.

The subject of the present application generally, and amended claim 1 in particular, is instead concerned with very distinct application of the weighting step, i.e., measurement data obtained from individuals being tested who are viewing a specific advertisement. The measurement data collected from the various individuals being tested, including what the individual is looking at, for what amount of time, and at what time, is

processed, using different weighting factors. Accordingly, the present invention concerns itself with a distinctly different type of data, acquired in a different manner, and relating to utterly different characteristics than that of the CARLES reference.

As a consequence, one of skill in the art would find no motivation in either the primary or secondary references, or any other known prior art for that matter, to supplement the method of the primary CLAESSENS reference with the identified disclosure of the secondary CARLES reference. As such, applicant respectfully suggests that the combination of references fails to make a *prima facie* case for a claim rejection based on obviousness.

In light of the amendments described above and the arguments offered in support thereof, applicant believes that the present application is in condition for allowance and an early indication of the same is respectfully requested.

If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional  
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in cursive script, appearing to read "Eric Jensen", is written over a horizontal line.

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EJ/lk

**APPENDIX:**

The Appendix includes the following items:

- a new Abstract of the Disclosure
- Replacement Sheet for Figure 1